

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2019 - HB 2157

March 14, 2016

SUMMARY OF BILL: Creates a uniform process for the investigation and resolution of an allegation involving sexual violence or other criminal conduct that is made against a student or student group at a public institution of higher education in Tennessee. Requires that each time a covered allegation is reported to a public higher education institution, the institution must refer the covered allegation to a law enforcement agency for investigation. Requires public higher education institutions in Tennessee to provide: education programs designed to address sexual violence; resources for students affected by sexual violence; and appropriate annual training to institutional personnel.

Sets forth the process by which a public higher education institution shall proceed when such allegations are reported to a respective institution, including but not limited to, the referral of the allegation to the appropriate law enforcement agency and the process by which sanctions may be imposed on the accused including provisions for hearings.

Prohibits a public higher education institution from imposing a sanction, other than an interim sanction, in response to a covered allegation without holding a formal hearing, or similar adjudicatory proceeding that includes notice, the right of the accused to admit or contest the allegation, access to evidence for both parties, the right of the parties to be represented, the right to confront witnesses, and being advised of the right to avoid self-incrimination and unlawful searches and seizures.

Authorizes any party who is aggrieved by a decision to impose a sanction under an institutional disciplinary hearing to file suit in the circuit court of the county where the public higher education institution is located, but only if the action is brought no later than one year after the date on which the individual received final notice of the sanction imposed on the individual under the proceeding.

Requires the Tennessee Board of Regents and the Board of Trustees of the University of Tennessee to promulgate rules to effectuate the provisions of this bill and to coordinate their rulemaking with the Tennessee Higher Education Commission to ensure that the rules are uniform across all public higher education institutions in this state. Requires each public higher education institution to publish annually in the institution's student handbook, or equivalent publication, a statement of the procedures applicable to institutional disciplinary hearing proceedings specified under this bill. Requires public higher education institutions to implement the provisions of this bill from existing public resources that are provided to those institutions for funding diversity programs; provided, that such resources are not federally mandated to be expended for another purpose.

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ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – The Tennessee Board of Regents will reallocate approximately \$437,500 in funding from current diversity programs to provide adjudicated hearings for sexual misconduct. The University of Tennessee will reallocate approximately \$218,800 in funding from diversity programs to provide adjudicated hearings for sexual misconduct.

Assumptions relative to the Tennessee Board of Regents:

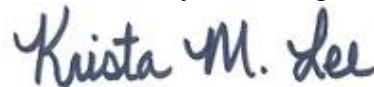
- Based on information provided by TBR, there are approximately 100 sexual misconduct cases per year.
- According to TBR, adjudicators and investigators would provide approximately 25 billable work hours per case at an hourly rate of \$175.
- Funding for additional hearing expenditures will come from a shift in funds from existing diversity program funding.
- The total recurring shift in such funding for TBR institutions is estimated to be \$437,500 (100 cases x 25 hours per case x \$175 per hour).

Assumptions relative to the University of Tennessee:

- Based on information provided by UT, there are approximately 50 sexual misconduct cases per year.
- Based on information from UT, adjudicators and investigators would provide approximately 25 billable work hours per case at an hourly rate of \$175.
- Funding for additional hearing expenditures will come from a shift in funds from existing diversity program funding.
- The total recurring shift in such funding for UT institutions is estimated to be \$218,750 (50 cases x 25 hours per case x \$175 per hour).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/rbp